

1 LAW OFFICES OF THOMAS W. FALVEY
2 THOMAS W. FALVEY, SBN 65744
thomaswfalvey@gmail.com
2 MICHAEL H. BOYAMIAN, SBN 256107
mike.falveylaw@gmail.com
3 ARMAND R. KIZIRIAN, SBN 293992
armand.falveylaw@gmail.com
4 550 North Brand Boulevard, Suite 1500
Glendale, California, 91203
5 Telephone: (818) 547-5200
Facsimile: (818) 500-9307
6

7 Attorneys for Plaintiff JAMES MOTTY
8

9 THEODORE E. SCOTT, Bar No. 108849
tscott@littler.com
10 DAVID J. DOW, Bar No. 179407
ddow@littler.com
11 O. MISHELL P. TAYLOR, Bar No. 256850
mtaylor@littler.com
12 LITTLER MENDELSON, P.C.
501 W. Broadway, Suite 900
San Diego, California 92101-3577
Telephone: 619.232.0441
13 Facsimile: 619.232.4302

14 Attorneys for Defendant
15 FIRST STUDENT, INC.

16 (Additional Counsel Listed on Following Page)

17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA**

19 JAMES MOTTY, an individual,
Individually and on Behalf of All Others
20 Similarly Situated

21 Plaintiffs,

22 v.

23 FIRST STUDENT, INC., an entity, and
DOES 1 – 100, inclusive,

24 Defendants.

25 CASE NO. 2:15-cv-07463-ODW-Ex
[Assigned to the Honorable Otis D.
26 Wright II]

27 **JOINT STIPULATION
DISMISSING ACTION WITH
28 PREJUDICE**

1 THE GILLAM LAW FIRM
2 CAROL L. GILLAM, SBN 102354
3 carol@gillamlaw.com
4 10866 Wilshire Blvd., Suite 400
5 Los Angeles, CA 90024
6 Telephone: (424) 901-8372
7 Facsimile: (310) 203-9922

8 Attorneys for Plaintiff JAMES MOTTY

9 HEATHER L. SHOOK, Bar No. 268716
10 hshook@littler.com
11 LITTLER MENDELSON, P.C.
12 633 West 5th Street, 63rd Floor
13 Los Angeles, CA 90071
14 Telephone: 213.443.4300
15 Fax No.: 213.443.4299

16 Attorneys for Defendant
17 FIRST STUDENT, INC.

18
19
20
21
22
23
24
25
26
27
28

1 **PLEASE TAKE NOTICE** that all parties in this action, Plaintiff JAMES
2 MOTTY (“Plaintiff”), on the one hand, and Defendant FIRST STUDENT, INC.
3 (“Defendant”), on the other, through their respective counsel of record, hereby
4 stipulate and agree to voluntarily dismiss *with prejudice* all causes of action in the
5 above referenced action, and this lawsuit in its entirety, pursuant to Rule
6 41(a)(1)(A)(ii) of the *Federal Rules of Civil Procedure*.

7 Defendant FIRST STUDENT, INC. is the sole defendant named and
8 appearing in this action, and Plaintiff has not previously dismissed any of the
9 claims asserted in this lawsuit. While this lawsuit was filed as a putative class
10 action, Plaintiff was unable to proceed on a class-wide basis. *See Order Denying*
11 *Motion for Class Certification*, Dkt. 35. As a result, the instant suit is an individual
12 action for the named Plaintiff.

13 ////

14 ////

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 Accordingly, this matter may be dismissed *with prejudice* through the
2 stipulation of all parties without an Order of the Court, pursuant to Rule
3 41(a)(1)(A)(ii) of the *Federal Rules of Civil Procedure.*

4
5 DATED: March 9, 2017

LAW OFFICES OF THOMAS W. FALVEY
THE GILLAM LAW FIRM

6
7 By: /s/ Armand R. Kizirian
8 THOMAS W. FALVEY
9 MICHAEL H. BOYAMIAN
10 ARMAND R. KIZIRIAN
11 CAROL L. GILLAM
12 SARA HEUM
13 Attorneys for Plaintiff James Motty

14 DATED: March 9, 2017 LITTLER MENDELSON, P.C.

15 By: /s/ David J. Dow
16 THEODORE R. SCOTT.
17 DAVID J. DOW
18 O. MISHELL P. TAYLOR
19 HEATHER L. SHOOK
20 LITTLER MENDELSON, P.C.
21 Attorneys for Defendant
22 FIRST STUDENT, INC.

ATTESTATION

I hereby attest that the concurrence in the filing of this document has been obtained from David J. Dow, of Littler Mendelson, P.C., Attorneys for Defendant.

DATED: March 9, 2017

By: /s/ Armand R. Kizirian

Armand R. Kizirian
Attorneys for Plaintiff